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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA

Kai Perry, Individually and on Behalf of All
 Others Similarly Situated

Plaintiff,

vs.

Rozlin Financial Group, Inc., Debt Resolution
 Services, LLC and John Does 1-25
 Defendant(s).

) Docket No.

) **CLASS ACTION COMPLAINT for**
) **violations of the Fair Debt Collection**
) **Practices Act, 15 U.S.C. § 1692 et seq.**

) **DEMAND FOR JURY TRIAL**

Plaintiff Kai Perry (hereinafter, “Plaintiff”), a Nevada resident, brings this Class Action Complaint by and through his attorney, The Law Offices of Robert M. Tzall against Defendant Rozlin Financial Group, Inc., (hereinafter “Defendant RFGI”) and Defendant Debt Resolution Services, LLC (hereinafter “Defendant DRS) individually and on behalf of a class of all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, based upon information and belief of Plaintiff’s counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff’s personal knowledge.

INTRODUCTION/PRELIMINARY STATEMENT

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3 1. Congress enacted the Fair Debt Collection Practices Act (the “FDCPA”) in 1977
4 in response to the “abundant evidence of the use of abusive, deceptive, and unfair debt
5 collection practices by many debt collectors.” 15 U.S.C. §1692(a). At that time, Congress was
6 concerned that “abusive debt collection practices contribute to the number of personal
7 bankruptcies, to material instability, to the loss of jobs, and to invasions of individual
8 privacy.” *Id.* Congress concluded that “existing laws...[we]re inadequate to protect
9 consumers,” and that ““the effective collection of debts’ does not require ‘misrepresentation
10 or other abusive debt collection practices.’” 15 U.S.C. §§ 1692(b) & (c).

11
12 2. Congress explained that the purpose of the Act was not only to eliminate abusive
13 debt collection practices, but also to “insure that those debt collectors who refrain from using
14 abusive debt collection practices are not competitively disadvantaged.” *Id.* § 1692(e). “After
15 determining that the existing consumer protection laws were inadequate.” *Id.* § 1692(b),
16 Congress gave consumers a private cause of action against debt collectors who fail to comply
17 with the Act. *Id.* § 1692k.

JURISDICTION AND VENUE

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19
20 3. The Court has jurisdiction over this class action pursuant to 15 U.S.C. § 1692 et.
21 seq. and 28 U.S.C. § 2201. The Court has pendent jurisdiction over the State law claims in
22 this action pursuant to 28 U.S.C. § 1367(a).

23
24 4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) as this
25 is where the Plaintiff resides as well as where a substantial part of the events or omissions
26 giving rise to this claim occurred.
27
28

NATURE OF THE ACTION

5. Plaintiff brings this class action on behalf of a class of Nevada consumers under §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA"), and

6. Plaintiff is seeking damages and declaratory relief.

PARTIES

7. Plaintiff is a resident of the State of Nevada, County of Clark, with an address of 7809 Hornstone Court, Las Vegas, Nevada 89149.

8. Defendant RFGI is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 1628 DeKalb Ave, Sycamore, Illinois 60178.

9. Upon information and belief, Defendant RFGI is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

10. Defendant DRS is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address at 4550 W Oakey Blvd, Ste T, Las Vegas, NV 89102.

11. Upon information and belief, Defendant DRS is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

12. John Does 1-25, are fictitious names of individuals and businesses alleged for the purpose of substituting names of Defendants whose identities will be disclosed in discovery and should be made parties to this action.

CLASS ALLEGATIONS

13. Plaintiff brings this claim on behalf of the following case, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3).

14. The Class consists of:

- a. all individuals with addresses in the State of Nevada;
- b. to whom Defendant RFGI sent a collection letter attempting to collect a consumer debt;
- c. on behalf of Defendant DRS;
- d. that deceptively implied marking a collection item as “Paid” on a credit report would offer a resolution of the consumer’s credit report;
- e. which letter was sent on or after a date one (1) year prior to the filing of this action and on or before a date twenty-one (21) days after the filing of this action.

15. The identities of all class members are readily ascertainable from the records of Defendants and those companies and entities on whose behalf they attempt to collect and/or have purchased debts.

16. Excluded from the Plaintiff Class are the Defendant and all officer, members, partners, managers, directors and employees of the Defendant and their respective immediate families, and legal counsel for all parties to this action, and all members of their immediate families.

1 17. There are questions of law and fact common to the Plaintiff Class, which common
2 issues predominate over any issues involving only individual class members. The principal
3 issue is whether the Defendant's letter, violates 15 U.S.C. §§ 1692e.

4 18. The Plaintiff's claims are typical of the class members, as all are based upon the
5 same facts and legal theories. The Plaintiff will fairly and adequately protect the interests of
6 the Plaintiff Class defined in this complaint. The Plaintiff has retained counsel with
7 experience in handling consumer lawsuits, complex legal issues, and class actions, and neither
8 the Plaintiff nor his attorneys have any interests, which might cause them not to vigorously
9 pursue this action.

10 19. This action has been brought, and may properly be maintained, as a class action
11 pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedure because there is
12 a well-defined community interest in the litigation:

13 a. **Numerosity:** The Plaintiff is informed and believes, and on that basis alleges, that
14 the Plaintiff Class defined above is so numerous that joinder of all members would
15 be impractical.

16 b. **Common Questions Predominate:** Common questions of law and fact exist as to
17 all members of the Plaintiff Class and those questions predominate over any
18 questions or issues involving only individual class members. The principal issue is
19 whether the Defendant's imposition of a processing fee, violates 15 USC §1692e.

20 c. **Typicality:** The Plaintiff's claims are typical of the claims of the class members.
21 The Plaintiff and all members of the Plaintiff Class have claims arising out of the
22 Defendant's common uniform course of conduct complained of herein.

23 d. **Adequacy:** The Plaintiff will fairly and adequately protect the interests of the class
24 members insofar as Plaintiff has no interests that are adverse to the absent class
25 members.

1 members. The Plaintiff is committed to vigorously litigating this matter. Plaintiff
2 has also retained counsel experienced in handling consumer lawsuits, complex
3 legal issues, and class actions. Neither the Plaintiff nor his counsel have any
4 interests which might cause them not to vigorously pursue the instant class action
5 lawsuit.

- 6
7 e. **Superiority:** A class action is superior to the other available means for the fair and
8 efficient adjudication of this controversy because individual joinder of all
9 members would be impracticable. Class action treatment will permit a large
10 number of similarly situated persons to prosecute their common claims in a single
11 forum efficiently and without unnecessary duplication of effort and expense that
12 individual actions would engender.

13
14 20. Certification of a class under Rule 23(b)(3) of the Federal Rules of Civil Procedure
15 is also appropriate in that the questions of law and fact common to members of the Plaintiff
16 Class predominate over any questions affecting an individual member, and a class action is
17 superior to other available methods for the fair and efficient adjudication of the controversy.

18 21. Depending on the outcome of further investigation and discovery, Plaintiff may, at
19 the time of class certification motion, seek to certify a class(es) only as to particular issues
20 pursuant to Fed. R. Civ. P. 23(c)(4).
21

22 **FACTUAL ALLEGATIONS**

23 22. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs
24 numbered above herein with the same force and effect as if the same were set forth at length
25 herein.
26

27 23. Some time prior to October 1, 2019 an obligation was allegedly incurred to Why
28 Not/Kmart.

1 24. The Why Not/Kmart obligation arose out of transactions in which money,
2 property, insurance or services, which are the subject of the transaction, were primarily for
3 personal, family or household purposes.

4 25. The alleged Why Not/Kmart obligation is a "debt" as defined by 15 U.S.C. §
5 1692a(5).
6

7 26. Defendant DRS, a debt collector, and the subsequent owner of the Why
8 Not/Kmart debt, contracted the Defendant RFGI to collect the alleged debt.

9 27. Defendants RFGI and DRS collect and attempt to collect debts incurred or alleged
10 to have been incurred for personal, family or household purposes on behalf of creditors using
11 the United States Postal Services, telephone and internet.
12

13 *Violation October 1, 2019 Collection Letter*

14 28. On or about October 1, 2019, Defendant RFGI sent Plaintiff a collection letter on
15 behalf of Defendant DRS (the "Letter") regarding the alleged debt. **See Exhibit A.**

16 29. The Letter offers settlement options to resolve the debt for less than the balance
17 owed.
18

19 30. The letter further states in pertinent part: "Upon receiving your final payment, your
20 account will be closed and satisfied in full! Within 30 days of your final payment clearing,
21 you will receive a letter stating your account has been satisfied in full and closed to keep for
22 your records.

23 We will also update any derogatory/negative marks on your credit report as "Paid" in
24 reference to this account within 4-6 weeks of final payment."
25

26 31. The letter deceptively implies that the reporting of this debt will be resolved by
27 noting that the account has been "Paid" on the consumer's credit report.
28

DEMAND FOR TRIAL BY JURY

PRAYER FOR RELIEF

Dated: September 14, 2020

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